

Quid Novi

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Faculty Council Season Opener

by Richard Janda

Faculty Council began its year on a constructive note last Thursday. Council approved a new National Evidence course which will become a prerequisite for Judicial Law and Evidence as well as for Evidence IIA. Council also created a 15 minute question period proposed by LSA President Stephen Fogarty and Associate Dean Simmonds and relaxed the rules on uniform marking techniques for upper year courses. The controversial

proposal to adopt the University grading system (A, A-, B+, B, B-, C+, C, D, F) was in mid-debate when it was postponed until the next meeting.

Introducing the course change proposals, Prof. Jane Glenn, who chairs the Curriculum Committee, explained that there is considerable overlap in the materials presently covered by Evidence IA, Evidence IIA, Criminal Procedure, and Judicial Law and Evidence. For example, students taking

all of these courses are taught the hearsay rule four times.

The Committee sought a solution consistent with the spirit of the national program. It therefore isolated a common core of national evidence topics, namely those which routinely arise in the context of criminal law but are not necessarily restricted thereto. These will be covered in the three-credit Evidence I course, which will replace Evidence IA. Criminal evidence will be excluded from the content of Criminal Law II (Criminal Procedure), but the course will maintain its three credits by spending more time on fundamental rights (including legal rights under the Charter). Evidence IIA (3 credits)

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So where did your money go?

by Pearl Eliadis and
Demetrios Xistris

On Tuesday and Wednesday of last week, L.S.A. Council met to decide what clubs would get what money. Before attending to that matter, however, there was unfinished business to attend to.

Job Bank

Part of the unfinished business included the President's report, and the issue of a job placement officer loomed again. President Fogarty stated that the financial burden for a placement officer should rest with the Faculty, since they have been the ones expecting an increase in funding. Since the job bank was officially declared defunct last March, Fogarty proposed a new body, the Careers Committee, which

could be organized to be directly responsible to the L.S.A. This committee was adopted, as was a committee for placement officers. The latter group was formed to study the issue concerning the merits of and funding for a placement officer. The Dean has already expressed the view that the idea of a placement officer makes a lot of sense, and that the main issue would be the funding for the position.

The subdued and procedural atmosphere of the meeting was to become considerably more charged with the next two topics: the Conflict of Interest Guidelines and the Treasurers Budget.

Conflicts of Interest

The Conflict of Interest Guidelines tried to effect two changes. First, any

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McGill student v. Winnipeg

by Wayne Burrows

Many law students complain that their education at McGill is too theoretical and not oriented towards real problems. However, for John Shields, a fourth-year student, recent experiences have been anything but impractical. Mr Shields recently filed a request with the Manitoba Court of Queen's Bench seeking the issuance of an injunction against Winnipeg's upcoming referendum on French lan-

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Results of the LSA Dean Selection Poll

Voter Turnout: 56.7% (305 of 538 students)

1st Yr: 67.2%; 2nd Yr: 47%;
3rd Yr: 60.3%; 4th Yr: 46.7%

Question One

I would prefer that the next Dean of Law be:

- (A) A person selected from within the faculty,
or
(B) A person selected from outside the faculty,
or
(C) I have no preference between (A) and (B)

Result - All Students

(A) 27.2%
(B) 44.6%
(C) 26.2%
Spoiled
Ballots 2.0%

Results - Upper Yr Students (2nd, 3rd, & 4th Yr)

(A) 21.9%
(B) 56.1%
(C) 19.3%
Spoiled
Ballots 2.6%

Question Two

Regardless of your response to Question One, if the University Committee were to select a person from within the faculty, which one professor would you favour:

Note - The names of all 31 full, associate and assistant professors were included on the ballot.

Result - All Students

Place	Professor	Percent
1	Groffier Atala	11.5%
2	Crépeau	8.2%
3	Brierley	6.0%
4	H.P. Glenn	5.6%
5	Foster	4.3%
6	Baker, Durnford, Simmonds	(each) 4.0%
7	Bridge, de Mestral, Morissette Tetley	(each) 3.6%
8	Cotler	3.0%

Others: (18) 17%

Spoiled: 18%

Result - Upper Year Students (2nd, 3rd, & 4th Yr)

Place	Professor	Percent
1	Groffier Atala	17.9%
2	Brierley	7.7%
3	H.P. Glenn	7.2%
4	Foster	6.1%
5	Morissette	5.1%
6	Bridge, Durnford	(each) 4.6%
7	Cotler, Crépeau, Simmonds Tetley	(each) 4.1%
8	De Mestral	3.1%

Others (19): 15.9%

Spoiled: 11.7%

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will focus on civil evidence in common law provinces. Judicial Law and Evidence (3 credits) remains the civil law equivalent. The changes were unanimously approved and will be implemented in January 1984.

The proposal to create a question period was modelled on the procedure used in Senate. Written questions may be submitted by members of Council to the Dean in advance of any meeting. With the consent of the questioner, the question may be referred to any member of Council responsible for the information required. Prof. Bridge strongly objected to the proposal, arguing that too much significance was being placed in Faculty Council and that a question period would exacerbate the tendency towards acrimonious exchange already witnessed on Council. Stephen Fogarty replied that the procedure was designed to increase access to information and would in practise reduce disputes founded on misinformation. He pointed to its success in McGill Senate and noted that it was used by students and Faculty alike. He persuaded all but Prof. Baker, who opposed the motion, and Prof. Scott, who abstained (Prof. Bridge had departed in the meantime).

Prof. Groffier Atala, last year's Chairperson of the Examination Board, introduced a series of proposals, most of which will be taken up again at the next meeting.

Over the objections of Prof. Scott and Prof. H.P. Glenn, Council repealed the requirement that all courses have at least one common type of assessment. Professors in upper year courses will now have more flexibility in modes of evaluation. For example, Professors may decide to have students

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Interview with Prof. Leon Trakman

by Eric Belli & Bivar

Joining the full-time faculty for the Fall Term this year is Professor Leon Trakman, a native of South Africa and most recently of Dalhousie Law School.

Those not in Prof. Trakman's classes this year may not know what has quickly become evident to his Jurisprudence and Insurance students that he is easily approachable and unusually receptive to students (does he really think we have something to say?). If you have the opportunity, it is worth your while to meet him before he departs for Tulane University in January.

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matters and that its members had not made a sufficient effort to get money from other sources. These objections were successfully rebutted, especially when it was pointed out that Forum National had made more attempts to seek outside funding last year than any group except the Quid. Once this was cleared up, the group received \$500 from Council.

Nuclear Disarmament submitted a budget to L.S.A. Council for the first time. Their funding last year had come from executive council. Largely on the strength of the group's impressive showing last year during a provocative series of films and lectures on nuclear disarmament, the group received \$200 to continue their efforts. Also submitting a budget for the first time was the Criminal Law Group, who received \$250 of a \$475 request. Yet another group submitting for the first time was the fledgeling Censorwatch organization,

Professor Trakman has found McGill's environment presents fascinating cultural and legal dimensions that distinguishes it from other universities. The students are also different from those at Dalhousie, he says, in that students here are more aggressive (and he stresses that this is meant in a positive sense) and more inclined to view law from an interdisciplinary perspective. He attributes the latter characteristic to their diverse cultural and educational backgrounds.

Prof. Trakman's main area of interest is the field of legal education. He finds the biggest problem in legal education to be the absence

begun this year at the faculty under the auspices of Sandra Stephenson. Women and the Law received \$400 of a \$545 request to fund their activities. The discussion surrounding their grant was considerably less heated than last year's, which had included plane fare for one member to the Conference of Women and the Law.

The executive used the following principles during the decision-making process:

1. To assist groups which contribute in legal ways to organizations themselves contributing to social progress.
2. To assist groups, support for which by L.S.A. members has been demonstrated.
3. To assist groups whose activities serve the interests of L.S.A. members.
4. That administrative costs be accounted for in detail.
5. That the L.S.A. Council suggest policy and procedural changes consistent with its consideration of budget requests; that the bargaining concern more than numbers.

of attempts to provide students with ideological underpinnings upon which to base their legal training. In a word, he dislikes the "cafeteria approach". Fortunately, this is less the case at McGill owing to our civilian tradition and its emphasis on the foundations of law (sound familiar???). Prof. Trakman believes that the humanistic side of law should receive more attention, for lawyers are members of society in all its aspects. Lawyers do their job with what society gives them; they don't (or at least shouldn't try to) give people a society. As a person who answers the question "What is Law?" in more than twenty-five words and uses terminology like "social ordering" and "reasonable expectations", Prof. Trakman is not aligned with the positivist school of thought.

Before teaching at Dalhousie, Prof. Trakman completed his Masters and Doctorate of Laws at Harvard. He has written three books, four major studies, thirteen major articles, five minor articles, five research papers and six conference papers. If prolificity is any measure of merit, this is one academic who clearly makes the grade.

Prof. Trakman has not made professional commitments extending past this academic year. Could the Administration be thinking of implementing the recommendations of the Faculty Review by requesting his return? One hopes so.

Weekly Smile

Prof. Durnford in Tax: "I'm not looking for a good idea: I'm looking for a legal reason".

Notice: The Canadian Association of Law Students - Association Canadienne des Etudiants en Droit (C.A.L.S. - A.C.E.D.) will be holding its inaugural meeting Oct. 14, 15 and 16. The meeting will be attended by presidents of law student bodies across Canada. The agenda will concentrate on establishing a constitution for the Association. Our faculty is honoured to host this historic meeting. Students who are interested in contributing to the weekend events and wish to participate in discussions are asked to approach me.

Roger F. Cutler
President
C.A.L.S.-A.C.E.D.

A Tale of Two Traditions

There once was a country, far to the north, in which there was one people living under two kinds of laws. One kind of law was called the white law, the other was called the black law. It seems the reason they had two laws instead of only one was that somewhere back in the history of that country, before it was even called a country, some people came over to look for furry animals and brought the white law with them. Then along came some more people who spoke a different language. They brought the black law with them. Well, the two people settled their language differences after

about 100 years, but decided they might as well keep their respective laws. That was not as easy an issue to settle. Some recalcitrant judges were not really all that particular which law solved a problem as long as everybody was happy. This would have been fine except that when the two laws met, a nasty thing tended to happen. This was how the "colored" law came into being. People were not overly concerned with this problem until the practical study of these laws for use in the real world began to turn into a theoretical study designed for debate among those well-versed in the field. Naturally, as soon as this theory was discovered, a place was needed to house it. This was called the "law school". The theorists were called "professors" because they professed to know what they were talking about even though nobody else could tell for sure. The professors were desperate to keep the two laws separate, black and white, to protect the "purity" of their origins, and to try and cut down on the huge "ghettos" formed by the masses of colored laws. This would have a beneficial side-effect of preventing unemployment of professors. By assuring the purity of each law, it was contended the purity of both laws would be assured. No one could see anything wrong with that reasoning, and so the project was begun.

Now, many years later, we must be thankful, for we can still find served at restaurants:

Water crêpe with white sauce
or

Black stones à la king.
(But never on the same page of the menu!)

For Whom the Bell Tolls

During four years of law school there has been one constant in my life: the sweet chiming of those copper clappers, as regular as clockwork. In the turbulent world of moots, exams and assignments, they were an oasis of calm and certainty. The bell took on an almost supernatural power for students, as it stopped professors cold and turned the most conscientious listener into a twisting blob of Jello. The power of the bell was sacrosanct and to lecture beyond it was to invite mass exodus in mid-sentence. Now they are but a fading memory.

For upper-year students, the experience has been particularly painful. Wherever you look, small groups of third and fourth-years aimlessly stumble about, their bloodshot eyes staring sightlessly. Having been forced to go cold-turkey, they are now experiencing the agonizing symptoms of withdrawal. The shock has already proved too much for some. A psychiatrist contacted by the Quid stated

"if these students don't get their bells rung soon it could be too late".

Of even greater concern are the consequences of this situation to first-year students. Assuming 17 hours of class a week, and an average of four extra minutes of class, in four years, these poor wretches will sit through almost 200 more hours of lectures than they should. One can only guess at the consequences of such information overload. The implications make the blood run cold.

Do we allow this situation to continue? No, I say! We owe it to generations yet unborn to stop this fiendish plot. Let us rise as one to reassert our acquired rights. The doctrine of estoppel is on our side. Members of the administration be forewarned: ask not for whom the bell tolls, it tolls for you. Let the sweet sound of freedom ring out!

Wayne Burrows

Todd Van Vliet